



APR 10 2002

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In re Application of	:	
SCHNEIDER	:	DECISION ON PETITION
Application No.: 09/701,991	:	
PCT No.: PCT/EP99/03870	:	UNDER 37 CFR 1.182
Int. Filing Date: 04 June 1999	:	
Priority Date: 05 June 1998	:	
Attorney Docket No.:KKF1P008	:	
For: METHOD FOR PRODUCING CARDBOARD	:	
MATCHES AND CORRESPONDING CARDBOARD	:	
MATCHES, ESPECIALLY FRO BOOKS OF MATCHES	:	

This decision is in response to a PETITION TO WITHDRAW HOLDING OF ABANDONMENT filed 08 January 2002 which is being treated as a petition under 37 CFR 1.182 to properly direct a communication filed 16 July 2001 to application number 09/701,991, not application number 09/701,199 as was indicated on the transmittal letter.

BACKGROUND

On 04 June 1999, applicant filed international application PCT/EP99/03870, which claimed priority of an earlier application filed 05 June 1998. A Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty month period for paying the basic national fee in the United States of America expired at midnight on 05 December 2000.

On 05 December 2000, applicant filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee, a preliminary amendment, a translation of the application, and a translation of PCT Article 34 amendments. No oath or declaration accompanied the Transmittal Letter.

On 12 January 2001, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US)" (Form PCT/DO/EO/905). The Notification indicated that an oath or declaration in compliance with 37 C.F.R. 1.497(a) and (b) must be submitted within one month of its 12 January 2001 date of mailing or by 31 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application. The Notification further indicated that the surcharge under 37 C.F.R. 1.492(e) was required.

On 28 September 2001, the DO/EO/US mailed a "Notice Of Abandonment Under 37 CFR 1.53(f) Or (g)" indicating the status of the application as abandoned for failure to reply to the Notice of Missing Requirements mailed 12 January 2001.

On 08 January 2002, applicant submitted the instant petition requesting that the Notice Of Abandonment be withdrawn. The applicant indicates that a response to the Notice Of Missing Requirements was filed on 16 July 2001. The petition is accompanied by, *inter alia*, a copy of a stamped postcard receipt, a copy of a transmittal letter, and a copy of an executed declaration.

DISCUSSION

Applicant's original response filed 16 July 2001 has been located and matched with the instant application. A review of the original correspondence and the copies which accompanied the instant petition indicates that such correspondence was incorrectly directed to application number 09/701,199, not application number 09/701,991.

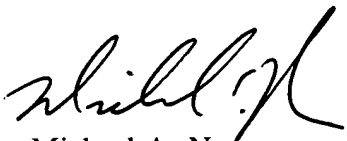
Therefore, applicant's error caused the correspondence filed 16 July 2001 to be directed to the incorrect application and ultimately resulted in the abandonment of application number 09/701,991. Correction of applicants' mistake requires the payment of the \$130.00 petition fee under 37 CFR 1.182 and 37 CFR 1.17(h). Therefore, deposit account number 02-3964 will be charged \$130.00 as authorized in the petition filed 08 January 2002.

CONCLUSION

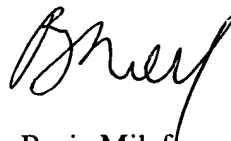
For the reasons stated above, the petition under 37 CFR 1.182 is **GRANTED**.

The Notice Of Abandonment mailed 28 September 2001 is hereby vacated.

This application is being returned to the DO/EO/US for processing in accordance with this decision, including issuance of a "Notification Of Acceptance Of Application Under 35 U.S.C. 371" (Form PCT/DO/EO/903) indicating a 35 U.S.C. 371 date of 16 July 2001.



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